

**Mississippi Secretary of State**  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi State Department of Health		CONTACT PERSON Mike Lucius	TELEPHONE NUMBER 601-576-7847	
ADDRESS P.O. Box 1700		CITY Jackson	STATE MS	ZIP 39215-1700
EMAIL Mike.Lucius@msdh.state.ms.us	SUBMIT DATE 9-5-12	Name or number of rule(s): Minimum Standards Of Operation Of Prescribed Pediatric Extended Care (PPEC) Centers		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: During the 2012 Regular Legislative Session, the Legislature approved the establishment and licensure of PPEC centers and charged the Department of Health authority to license, promulgate regulations and regulate. This new set of regulations will provide the framework for licensing and the establishing of standards of care for the children serviced by these centers. These Regulations are to be inserted into the Compilation for the Department of Health at Title 15, Part 3, Subpart 1, Chapter 2.

Specific legal authority authorizing the promulgation of rule: Section 43-13-117, Mississippi Code of 1972, Annotated.

List all rules repealed, amended, or suspended by the proposed rule: New Rule

**ORAL PROCEEDING:**

☒ An oral proceeding is scheduled for this rule on Date: October 26, 2012 Time: 1:00 – 1:15 p.m. Place: Osborne Auditorium, MSDH Campus

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Mike Lucius, Deputy State Health Officer, Chief Administrative Officer

Signature of person authorized to file rules: Mike Lucius

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	 <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by <u>CBT9106CD</u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN  
*Secretary of State*

## CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi State Department of Health	CONTACT PERSON Mike Lucius	TELEPHONE NUMBER 601-576-7847
ADDRESS P.O. Box 1700, 517 East Woodrow Wilson	CITY Jackson	STATE MS
EMAIL Mike.lucius@msdh.state.ms.us	ZIP 39215-1700	
DESCRIPTIVE TITLE OF PROPOSED RULE Minimum Standards of Operation of Prescribed Pediatric Extended Care (PPEC) Centers		
Specific Legal Authority Authorizing the promulgation of Rule: Section 43-13-117, MS Code of 1972, Ann.	Reference to Rules repealed, amended or suspended by the Proposed Rule: New Rule	

### A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

The law authorizes the licensing of and the establishment of PPEC centers in the State of MS. MSDH is charged responsibility for licensing, promulgation of rules/regulations and the regulating of this new type of healthcare entity. These regulations establish the regulatory framework necessary to mandate a safe environment and establish a standard of care for the children. Medically and technologically dependent children, their parents, families and the community will benefit from these regulations in that this design is developed to provide skilled nursing care to such children on a 12 hour or a 24 hour basis, plus entails the requirement for training and support for the families so further care, afterhours, can be provided in a home-like environment.

2. Briefly describe the need for the proposed rule:

Until passage of this statute, the State of MS did not have an authorized licensed entity specific for the care of medically and technologically dependent children, birth to 21 years of age. Therefore, the State/parents had few alternatives except to house these children in an acute care setting or with private sitters as they require continual or intermittent skilled nursing care. These regulations establish the criteria for licensure, structural design of such healthcare entities, and the establishment of an expected standard of care, should an entity provide care and services to the medically or technologically dependent children in our state.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

The health, safety and welfare of, not only these children but also their parents/families should dramatically improve. These regulations establish the criteria for licensure, structural design of such healthcare entity(s), and the establishment of an expected standard of care should an entity choose to provide care and service to the medically or technologically dependent children in our state.

4. Estimated Cost of implementing proposed action:
- To the agency  
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
  - To other state or local government entities  
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
- Cost:  
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
  - Economic Benefit:  
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
6. Estimated impact on small businesses:
- ☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
- Estimate of the number of small businesses subject to the proposed regulation: Estimate the construction of four-five PPEC centers in MS, considering the large population areas that can support and will have the likelihood of having a high census of medically and technologically dependent children.
  - Projected costs for small businesses to comply: For construction of such entity, equipment/staffing, etc. -- In excess of 1 million dollars.
  - Statement of probable effect on impacted small businesses:  
Facilities will benefit, especially long-term, as Medicaid has statutory authority to serve as the fiscal intermediary to support the cost of services to these children.
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- ☐ substantially less than ☒ moderately less than ☐ minimally less than  
☐ the same as ☐ minimally more than ☐ moderately more than  
☐ substantially more than ☐ excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- ☐ substantially less than ☐ moderately less than ☐ minimally less than  
☐ the same as ☐ minimally more than ☐ moderately more than  
☒ substantially more than ☐ excessively more than

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#### B. Reasonable Alternative Methods

- Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?  
☐ yes ☒ no
- If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)  
NA

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#### C. Data and Methodology

- Please briefly describe the data and methodology you used in making the estimates required by this form. These children to be served are medically and technologically dependent and require either continuous or intermittent skilled medical and nursing care. Most are Medicaid recipients simply by virtue that the cost of their healthcare, which has been being provided by either private duty nursing, continual hospitalization or frequent intermittent hospitalizations. My methodology would be approximating the cost of private duty nurse staffing every day verses the per diem per hour that I understand Medicaid pays (in La.). To date, Medicaid (in MS) has not established a cost basis or per diem for this program.


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D. Public Notice

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1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

Oral proceedings are scheduled for October 26, 2012, at 1:00p.m. in the Osborne Auditorium located at 570 East Woodrow Wilson, Jackson, MS

SIGNATURE	TITLE
	Deputy State Health Officer/Chief Administrative Officer
DATE	PROPOSED EFFECTIVE DATE OF RULE
9-5-12	30 days after filing